FOURTH COMMITTEE: RESTRICTIVE BUSINESS PRACTICES

SUB-COMMITTEE A

Draft Agenda Prepared by the Secretariat for the Eighth Meeting to be held 15 December at 10 a.m.

1. Continuation of the general discussion on the amendments proposing that in Chapter 5 no reference be made to public enterprises.

2. Consideration of the specific amendments submitted in relation to public enterprises:

   (a) Deletion of the words "whether engaged in by private or public enterprises" in paragraph 1, Article 44, and paragraph 1, Article 45. Amendments proposed by the delegations of Argentina and Mexico, (No. 1, 4, 25 and 26 of E/CONF.2/C.4/4).

   (b) Deletion of the words "or public" in sub-paragraph b, paragraph 2, Article 44. Amendments proposed by the delegations of Argentina and Mexico, (No. 11 and 12 of E/CONF.4/4).

   (c) Deletion of the words "between public commercial enterprises or between private and public commercial enterprises" in sub-paragraph B, paragraph 2, Article 44. Amendment proposed by the delegation of Argentina (No. 11 of E/CONF.2/C.4/4).

   (d) Deletion of the words: "or by a combination, agreement or other arrangement between commercial enterprises, whether between private commercial enterprises, between public commercial enterprises, or between private and public commercial enterprises" in sub-paragraph (b) of paragraph 2, Article 44. Amendment proposed by the delegation of Mexico. (No. 12 of E/CONF.2/C.4/4).

   (e) Deletion of the words "private and public" in paragraph 1, Article 47. Amendment proposed by the delegations of Argentina and Mexico. (No. 44 and 45 of E/CONF.2/C.4/4).

   (f) Deletion of the words "provided that in the case of a complaint against a single public commercial enterprise acting independently, such complaint may be presented only by a Member on its own behalf and only after the Member has resorted to the procedure under paragraph 1 of this Article", in paragraph 2, Article 45. Amendment proposed by the delegation of Argentina. (No. 27 of E/CONF.2/C.4/4).

   (g) Deletion of
(g) Deletion of paragraph 4 of Article 44 proposed by the delegation of Argentina (No. 23 of E/CONF.2/C.4/4).

(h) The new text of paragraph 4, Article 44 proposed by the delegation of Mexico (No. 24 of E/CONF.2/C.4/4)

(i) Addition of the words "subject to the provisions of paragraph 4 of this Article", to paragraph 1, Article 44, to paragraph 2 of the same Article, and to paragraph 1 of Article 47. Amendments proposed by the delegation of Mexico, (No. 4, 8, 21 and 45 of E/CONF.2/C.4/4).

(j) Addition of the words "other than the exceptions provided for in paragraph 4 of Article 44". Amendment proposed by the delegation of Mexico, in paragraph B, Article 45 (No. 38 of E/CONF.2/C.4/4).

(k) Deletion of the word "concerned" and addition of the words: "referred to" in paragraph 8 and 9, Article 45. Amendment proposed by the delegation of Mexico (No. 40, of E/CONF.2/C.4/4).

3. Reconsideration of the new Article 45 A in connection with the amendment proposed by the delegation of Mexico for the addition of the following text to paragraph 4, Article 45. (No. 29 of E/CONF.2/C.4/4): "after hearing the opinion of the Members referred to in the final part of paragraph 1 of this Article".

4. Reconsideration of the words "which are as described in Article 44", proposed by the representative of Canada to replace the words "which have the effect described in paragraph 1 of Article 44" in the present text of paragraph 1, Article 47.